

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6183

BILL NUMBER: HB 1273

NOTE PREPARED: Nov 16, 2009

BILL AMENDED:

SUBJECT: Use of Minor's Identity for Sexual Gratification.

FIRST AUTHOR: Rep. Ruppel

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

Impersonating a Minor for Sexual Purposes: It makes it a Class D felony for a person at least 18 years of age to use a computer network to impersonate a specific child if the impersonation is done with intent to arouse or satisfy the sexual desires of any person.

Enhanced Penalties: It increases the penalty to a Class C felony if: (1) it results, directly or indirectly, in bodily injury to the impersonated child; (2) as a result of the impersonation, another person commits, attempts to commit, or conspires to commit a felony against the impersonated child; or (3) the person has a prior unrelated conviction for the offense.

It also increases the penalty to a Class B felony if it results, directly or indirectly, in serious bodily injury to the impersonated child.

Sex Offender Registry: It provides that a person who commits impersonating a minor for sexual purposes is required to register as a sex or violent offender.

Conforming Amendments: It makes conforming amendments.

Effective Date: July 1, 2010.

Explanation of State Expenditures: *Impersonating a Minor for Sexual Purpose and Enhanced Penalties:* There are no data available to indicate how many offenders may be convicted of impersonating a minor for

sexual purposes, a Class D felony, or of one of the enhanced penalties, Class C or Class B felonies.

Depending upon mitigating and aggravating circumstances, a Class D felony is punishable by a prison term ranging from 6 months to 3 years or reduction to Class A misdemeanor, a Class C felony is punishable by a prison term ranging from 2 to 8 years, and a Class B felony is punishable by a prison term ranging from 6 to 20 years. The average expenditure to house an adult offender was \$20,194 in FY 2009. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$75,050 in FY 2009. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately 10 months, for all Class C felony offenders is 2 years, and for all Class B felony offenders is approximately 3.7 years.

Sex Offender Registry: The DOC maintains the Sex and Violent Offender Registry, which includes posting information about the registered offender's home address and place of employment or school. Additionally, the DOC notifies local law enforcement when an offender who must register is nearing release from a DOC facility or program. If more offenders are included in the registry, administrative costs could increase. The fiscal impact will depend on the number of additional offenders.

Explanation of State Revenues: *Impersonating a Minor for Sexual Purpose and Enhanced Penalties:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: *Impersonating a Minor for Sexual Purpose and Enhanced Penalties:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Sex Offender Registry: To verify a sex or violent offender's address, local law enforcement must mail a form, approved by the DOC, to the registered sex or violent offender's listed address once a year. If additional offenders are included in the register, additional costs may be incurred.

Explanation of Local Revenues: *Impersonating a Minor for Sexual Purpose and Enhanced Penalties:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association; DOC.

Fiscal Analyst: Karen Firestone, 317-234-2106.